

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

)	
In re)	
)	
FRANCIS J. CONNOLLY, JR. and)	Chapter 7
CHRISTINE CONNOLLY,)	Case No.: 10-20567
)	
Debtors)	
)	

MOTION FOR LEAVE TO FILE SECOND AMENDED SCHEDULE C

Now come the Debtors in the above-captioned action and move for leave to file their Second Amended Schedule C.

In support of this Motion, Debtors state:

1. On September 28, 2010, Debtors filed their Petition and Schedules under Chapter 7 of the Bankruptcy Code.
2. On October 27, 2010, the §341 Meeting convened, and the Chapter 7 Trustee continued the Meeting to December 9, 2010 pending his receipt of supplemental documentation.
3. On November 25, 2010, the Mother of Debtor-Spouse passed away with interest in, inter alia, real property. Debtor-spouse is a co-devisee with her sibling, which necessitated the filing of a Supplemental Schedule B and First Amended Schedule C.
4. On December 6, 2010, Debtors filed their Supplemental Schedule B to account for the post-petition acquisition of Debtor-Spouse in the estate of her mother, as well as a first Amended Schedule C to, inter alia, claim the newly acquired property as exempt to the extent possible.
5. After discussing the claimed exemptions on the Amended Schedule C with the Trustee in this case and reviewing further documentation provided to counsel by Debtors, it was determined by

counsel for Debtors that certain exemptions, such as 11 U.S.C. §522 (d)(1) as well as 11 U.S.C. §522 (d)(2), had been over-claimed.

WHEREFORE, Debtors request that the filing of their Second Amended Schedule C, correcting the values of their claimed exemptions in light of recent discussions with the Chapter 7 Trustee and their counsel, be allowed.

Respectfully submitted,

/s/Nicholas T. Nashawaty, Jr.
Nicholas T. Nashawaty, Jr.
BBO #367110
NASHAWATY & RAND
654 Washington Street
Braintree, MA 02184
781 848-8545

Dated: December 13, 2010

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re)
)
)

FRANCIS J. CONNOLLY, JR. and)
CHRISTINE CONNOLLY,)
)

Debtors)
_____)

Chapter 7
Case No.: 10-20567

CERTIFICATE OF SERVICE

I, Nicholas T. Nashawaty, Jr., do hereby certify that I have, this day, served a copy of the Debtor's **MOTION FOR LEAVE TO FILE SECOND AMENDED SCHEDULE C** upon the following parties by CM/ECF

John P. Fitzgerald, Assistant United States Trustee
John O. Desmond, Chapter 7 Trustee

AND by first class mail, postage prepaid, on all non CM/ECF participants listed on the attached Certificate of Mailing.

/s/Nicholas T. Nashawaty, Jr.
Nicholas T. Nashawaty, Jr.
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781 848-8545

Dated: December 13, 2010

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United States Bankruptcy Court
District of Massachusetts

IN RE:

Case No. 10-20567

Connolly, Francis J. Jr. & Connolly, Christine

Debtor(s)

Chapter 7

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the following document(s):

MOTION FOR LEAVE TO FILE SECOND AMENDED SCHEDULE C

was(were) mailed to all persons in interest at the addresses set forth in the exhibit which is attached hereto, by first class mail, postage prepaid, on this 13th day of December, 2010.

/s/ Nicholas T. Nashawaty, Jr.

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